

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Case Nos: 3:06-cr-154

3:09-cv-008

Plaintiff,

Judge Timothy S. Black

vs.

Magistrate Judge Michael J. Newman

THOMAS L. McCUALEY,

Defendant.

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 107); (2) DENYING
DEFENDANT'S MOTION TO VACATE (Doc. 88); (3) DENYING ANY REQUESTED
CERTIFICATE OF APPEALABILITY OR LEAVE TO FILE IN FORMA
PAUPERIS; AND (4) TERMINATING THESE CASES**

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael J. Newman, who recommends that Defendant's Motion to Vacate be denied. (Doc. 107). The parties filed no objections to the Report and Recommendations of the Magistrate Judge and the time for doing so has expired.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court reviewed the comprehensive findings of the Magistrate Judge, considered all issues presented in Defendant's Motion *de novo*, and concludes that: (1) the Report and Recommendations of the Magistrate Judge (Doc. 107) should be and hereby is **ADOPTED** in its entirety; (2) Defendant's Motion to Vacate (Doc. 88) should be and hereby is **DENIED**; (3) any requested certificate of appealability and/or leave to appeal *in forma pauperis* should be and hereby is **DENIED**; and (4) these cases are hereby terminated.

IT IS SO ORDERED.

Date:

9/13/11

Timothy S. Black
Timothy S. Black
United States District Judge